

महाराष्ट्र शासन

क्रमांक:- सीबीसी-१०/२००८/प्र.क्र.५६७/भावक-५.

सामाजिक न्याय व विशेष सहाय्य विभाग,

मंत्रालय विस्तार भवन, मुंबई ४०० ०३२.

फोन नं. २२०२९५२६ फॅक्स २२८३६६८८

दिनांक :- २७ फेब्रुवारी, २००९.

प्रति,

सर्व निभागीय आयुक्त,

सर्व जिल्हाधिकारी,

सर्व उप जिल्हाधिकारी,

सर्व उपनिभागीय अधिकारी (महसूल),

सर्व निभागीय समाजकल्याण अधिकारी,

सर्व तालुका कार्यकारी दंडाधिकारी तथा तहसिलदार,

सर्व मंत्रालयीन विभाग,

विषय :- केंद्र शासनाच्या इतर मागासवर्गीय जाती मधील उन्नत आणि प्रगत व्यक्ती / गट (Creamy Layer) वगळून आरक्षणाचे फायदे देण्यासाठी उत्पन्नाच्या निकषात सुधारणा व उत्पन्न मर्यादेत वाढ

उपरोक्त विषयाबाबतचे संचालक, भारतसरकार, मिनिस्ट्री ऑफ पर्सोनेल, पब्लिक प्रीक्वॅसेस अँड पेंशन, डिपार्टमेंट ऑफ पर्सोनेल अँड ट्रेनिंग, नवी दिल्ली यांचे दिनांक १४ ऑक्टोबर, २००८ चे कार्यालयीन शपन क्रमांक ३६०३३/३/२००४ DSII(Res) अन्वये, केंद्र शासनाच्या इतर मागासवर्ग प्रवर्गाकरीता उच्च व उन्नत व्यक्ती यांचे करीता वार्षिक रु. ४,५०,०००/- (अक्षरी रु. चार लाख पन्नास हजार फक्त) एवढी उत्पन्न मर्यादा निश्चित केलेली आहे. सोबत त्याची प्रत जोडली आहे.

२. त्याच प्रमाणे भारत सरकारच्या मिनिस्ट्री ऑफ ह्युमन रिसोर्सेस डेव्हलपमेंट, डिपार्टमेंट ऑफ हायर एज्युकेशन, नवी दिल्ली यांच्या अग्रेसर प्रमोटेडम क्र.१ / १ २००८ - मु-LA, दि. १३ ऑक्टोबर, २००८ च्या प्रत देखील जोडण्यात येत आहे. प्रगत नमुद केल्याप्रमाणे केंद्र शासनाच्या महाराष्ट्र राज्याशी संबंधित इतर मागासवर्गांमधील व्यक्तींना नॉन क्रिमिलेअर प्रमाणपत्र देताना त्यातील सूचना व तरी केंद्र शासनाच्या दिनांक ०८ सप्टेंबर, १९९३ व २९ ऑक्टोबर, २००४ च्या पत्रात दिलेल्या नागदशक सूचनांचा अवलंब करावा.

३. केंद्र शासनाच्या अखत्यारीतील आरक्षण, सेवा व अन्वलाभाकरीता इतर मागासवर्ग प्रवर्गातील व्यक्तींसाठी रु. ४,५०,०००/- एवढी वार्षिक उत्पन्न मर्यादा नॉन क्रिमिलेअर प्रमाणपत्रासाठी लागू राहील.

सोबत:- वरील दोन्ही पत्रे

(भो. गा. गोदोळे)

अवर सचिव, महाराष्ट्र शासन

प्रत :- १) मा. मुख्यमंत्री यांचे खाजगी सचिव,

२) मा. उपमुख्यमंत्री यांचे खाजगी सचिव,

३) मा.मंत्री (सामाजिक न्याय) यांचे खाजगी सचिव,

४) मा. राज्यमंत्री (वि.जा.भ.ज.) यांचे खाजगी सचिव,

No.36033/3/2004-Estt. (Res.)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

11842

New Delhi, dated the 14th October, 2008**OFFICE MEMORANDUM**

Subject:- Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs).

The undersigned is directed to invite attention to this Department's O.M No.36012/22/93-Estt (SCT) dated 8th September, 1993 which inter alia provided that sons and daughters of persons having gross annual income of Rs.1 lakh or above for a period of three consecutive years would fall within the creamy layer and would not be entitled to get the benefit of reservation available to the Other Backward Classes. The limit of income for determining the creamy layer status was raised to Rs. 2.5 lakh vide this Department's OM of even number dated 9.3.2004. It has now been decided to raise the income limit from Rs. 2.5 lakh to Rs. 4.5 lakh per annum for determining the creamy layer amongst the OBCs. Accordingly the following entry is hereby substituted for the existing entry against Category-VI in the Schedule to the above referred O.M.

<u>Category</u>	<u>Description of Category</u>	<u>To whom the rule of exclusion will apply</u>
VI	Income/Wealth Test	Son(s) and daughter(s) of (a) Persons having gross annual income of Rs. 4.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for period of three consecutive years. (b) Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.

Explanation:

Income from salaries or agricultural land shall not be clubbed.

अनुकूलित
निर्देश (सि.प्र.आ.प्र.)

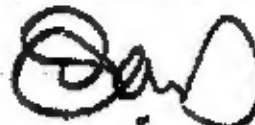
ड.स.रा.

अनुकूलित
वार्ता
सि.प्र.आ.प्र.
अनुकूलित
9/10/08

अ.प्र.प्र.
निर्देश
सि.प्र.आ.प्र.

2. The provisions of this Office Memorandum take effect from the 3rd October, 2008.

3. All the Ministries/Departments are requested to bring the contents of this Office Memorandum to the notice of all concerned.



(K.G. Verma)
Director

To

1. All the Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/ President's Secretariat/Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
8. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs and STs, Lok Nayak Bhavan, New Delhi.
10. National Commission for Backward Classes, Trikot-H, Bhikaji Cama Place, R.K. Puram, New Delhi.
11. Office of the Comptroller and Auditor General of India, 10 Bahadurshah Zafar Marg, New Delhi- 110002.
12. Information and Facilitation Centre, DOPT, North Block, New Delhi. (100 copies)
13. Spare copies - 400.

Copies forwarded to :

The Chief Secretaries of all the States/ UTs. for information and necessary action.

Shastri Bhavan, New Delhi
Dated 13th October 2008

OFFICE MEMORANDUM

Subject: Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from Other Backward Classes (OBCs).

Following the decision of the Supreme Court delivered on 16.11.1992 in the case of Indra Sawhney and others Vs. Union of India and others, the Government of India had constituted an Expert Committee to make recommendations on the socio-economic criteria to be adopted for excluding the 'Creamy Layer' from amongst OBCs. The report of the Expert Committee was considered and accepted by the Government and the categories of the persons/sections to be excluded from the purview of the reservation orders for OBCs were notified in the schedule to the Office Memorandum No. 36012/22/93-Estt.(SCT) dated 08.09.1993 issued by the Department of Personnel and Training (DOPT).

2. The Committee while specifying the criteria for application of the rule of exclusion of socially advanced persons amongst OBCs, inter-alia, recommended review of income criteria after every three years. The Committee observed **"Since the rupee value is bound to undergo change, the income criteria in terms of rupee as stated above, will accordingly stand modified with the change in value of rupee. The modification exercise may, normally speaking, be undertaken every three years but if the situation so demands the interregnum may be less."**

3. Keeping in view the above recommendations of the Expert Committee, the Government of India decided to constitute a review Committee to consider the issue of modification of the income criteria laid down by the Expert Committee for exclusion of OBCs as per Creamy Layer concept.

4. Subsequently, it was decided that the work relating to review of income criteria to exclude creamy layer from OBCs may be entrusted to the National Commission for Backward Classes (NCBC). On the basis of the recommendation of the NCBC, the income limit for determining the Creamy Layer among the backward classes was raised from Rs. 1.00 lakhs to Rs. 2.5 lakhs and DOPT issued an OM No. 36033/3/2004-Estt.(Res.) dated 9th March 2004 to this effect.

5. As the Creamy Layer criterion was to be revised after expiry of three years from the last revision, the NCBC was again requested on 27.12.2007 to

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review the existing ceiling of income/wealth to determine the Creamy Layer amongst the OBCs.

6. The NCBC considered the socio-economic development of the Other Backward Classes appearing in various surveys and reports published by the Govt. of India and also took into consideration the increasing trend in the GDP, net per capita income, all round economic growth, acceleration in inflation in primary commodities and continued high escalation in price of the commodities in fuel group. There has been a steady increase in the costs for medical, transport and education. The recommendation of the Sixth Central Pay Commission recommending the existing rates of most of the allowances to be doubled and has also been taken note of. The Commission taking into consideration the above factors and the time by which the report will be accepted and implemented arrived at a figure of Rs. 4.5 lakhs.

7. The Commission submitted its reports on the 1.7.2008 to the Government of India and recommended that "The income limit for determining the creamy layer among Other Backward Classes (OBC) be raised from Rs. 2.5 lakhs to Rs. 4.5 lakhs".

8. With the approval of the competent authority, the recommendation of the NCBC was accepted to raise the income limit for determining the creamy layer among other backward classes (OBCs) from Rs. 2.5 lakhs to Rs. 4.50 lakhs. Accordingly, the existing entry against category VI in the Schedule to the OM No. 36033/3/2004-Estt.(Res.) dated 9th March 2004 issued by the DOPT of gross annual income of Rs. 2.5 lakhs, shall be read as Rs. 4.5 lakhs for the purpose of determination of creamy layer for admission of OBC candidates into the Central Educational Institutions.

9. The provision of this Office Memorandum takes effect immediately in respect of admissions into Central Educational Institutions.

Chief Secretary
Govt. of Maharashtra,

Anupama
(ANUPAMA BHATNAGAR)
DIRECTOR

To

1. All the Ministries/Departments of the Govt. of India
2. State Governments
3. Union Territory Administrators
4. Statutory bodies responsible for maintenance or determination of standards of education
5. All Central Educational Institutions

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